IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20779 of 2004

Between:

Guda Rajaiah, S/o. Lingaiah,
of Singareni Collieries Company, R/o. Kurmapalli, H/o. Kyathanpalli,
M.R. Mandamarri, Adilabad District.

..... PETITIONER

AND

The Sub-Inspector of Police, P.S. Ramakrishanapur,
M.R. Mandamarri, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of MANDAMUS declaring the action of the respondent in summoning and calling the petitioner to the Police Station, Ramakrishnapur, M.R. Mandamarri, Adilabad District without due process of law as arbitrary, colorable exercise of power, without jurisdiction and violative of Article 21 of the constitution of India and pass

Counsel for the Petitioner: MR.P.V.NARAYANA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

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ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the alleged action of the respondent in summoning the petitioner to the Police Station, Ramakrishnapur, M.R. Mandamarri, Adilabad District and pressurising him to part with his land situated in S.Nos.118 and 120 of Kyathampalli Revenue village and to settle the same in favour of Guda Mallaiah and Guda Sathaiah as arbitrary, illegal, without jurisdiction and violative of Article 21 of the Constitution of India. The petitioner states that in respect of the said land he filed O.S.No.455 of 2004 in the Court of the Junior Civil Judge, Luxettipet and the civil Court by order dated 14.10.2004 granted temporary injunction restraining above said persons from interfering with the suit schedule lands. The order of injunction is operating, but the respondent has been interfering with the civil disputes and also taking coercive steps against the petitioner at the instance of the defendants in the civil suit.

Having heard the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents, the Writ Petition is disposed of with a direction to the respondent not to summon the petitioner to Police Station, Ramakrishnapur and not to interfere with the personal liberty of the petitioner, without following due process of law. No costs.

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11.11.2004.

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Note: Communicate copy in two days.

To

1. The Sub-Inspector of Police, P.S. Ramakrishanapur,
   M.R. Mandamarri, Adilabad District.

2. 2 CCs to G.P. for Home, High Court Buildings, High Court of A.P, Hyderabad.
OUT

3. 2 CD copies.